

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Criminal Case No. 09CR2297-L
)
Plaintiff,) ORDER OF ADDITIONAL
) DETERMINATION AND DISPOSITION
v.) PURSUANT TO TITLE 18, UNITED
) STATES CODE, SECTION 4241(d)
DAVID RENTERIA-GARCIA,)
)
Defendant.)
_____)

Pursuant to Title 18, United States Code, Section 4241(d), upon a finding by this Court by a preponderance of the evidence that the Defendant, DAVID RENTERIA-GARCIA, is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

IT IS HEREBY ORDERED that Defendant, DAVID RENTERIA-GARCIA, be committed to the custody of the Attorney General of the United States.

IT IS FURTHER ORDERED that the Attorney General hospitalize Defendant for treatment at the Federal Correctional Complex in Butner, North Carolina until his mental condition is so improved that trial may proceed, but in no case longer than one-hundred twenty (120) days.

IT IS FURTHER ORDERED that a qualified psychologist or psychiatrist is appointed to examine Defendant and report to this Court as soon as there is a substantial probability that in the

1 foreseeable future Defendant will attain the capacity to permit
2 Defendant's trial to proceed, but in no case longer than one-hundred
3 twenty (120) days.

4 IT IS FURTHER ORDERED that said report shall contain at least the
5 following additional information, pursuant to Title 18, United States
6 Code, Section 4247(c):

- 7 1. Defendant's history and present symptoms;
- 8 2. A description of the psychiatric, psychological and medical
9 tests that were employed and their results;
- 10 3. The examiner's findings
- 11 4. The examiner's opinion as to diagnosis and prognosis; and
- 12 5. Whether there is a substantial probability that in the
13 foreseeable future Defendant will attain the capacity to
14 permit the trial to proceed.

15 IT IS FURTHER ORDERED that said commitment, hospitalization and
16 examination be at the expense of the United States Department of
17 Justice.

18 IT IS FURTHER ORDERED that the report of said psychologist or
19 psychiatrist be sent to the undersigned United States District Court
20 Judge, with copies to Defendant's Counsel, Robert L. Swain, 964 5th
21 Ave., Suite 214, San Diego, California 92101; and to the United States
22 Attorney's Office (attention Assistant U.S. Attorney Matthew J.
23 Gardner), 880 Front Street, Room 6293, San Diego, California 92101.

24
25 DATED: January 22, 2010

26 
27 M. James Lorenz
28 United States District Court Judge